



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic Atmospheric Administration  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

March 29, 2021

MEMORANDUM FOR: The Record

FROM: James W. Balsiger, Ph.D.  
Administrator, Alaska Region

SUBJECT: Categorical Exclusion (CE) for the Regulatory Amendment to Remove Processing Restrictions on Incidentally Caught Squids and Sculpins in the Gulf of Alaska and the Bering Sea and Aleutian Islands Groundfish Fisheries [RIN 0648-BK18]

The National Oceanic and Atmospheric Administration's (NOAA) Policy and Procedures for Compliance with the National Environmental Policy Act (NEPA) and Related Authorities (NOAA Administrative Order 216-6A and Companion Manual for NAO 216-6A) establishes NOAA's policy and procedures for compliance with the NEPA, the Council on Environmental Quality regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 and 13690 (Floodplain Management), and EO 11990 (Protection of Wetlands). It was used by NOAA to examine the proposed action to remove processing restrictions limiting the processing and sale of incidentally caught squids and sculpins to fishmeal for its potential to impact the quality of the human environment as discussed below.

**Description of the Action:**

Under current regulations at 50 CFR 679.20(i)(4) & (5), the processing and sale of ecosystem component species in Alaska, including squids and sculpins, is prohibited unless they are processed as fishmeal. This action is a regulatory amendment that would remove this processing restriction for only squids and sculpins. It would allow incidentally caught and retained squids and sculpins within the maximum retainable amount (MRA) to be processed and sold in any product form. Directed fishing for these species would still be prohibited. The purpose of this action is to align regulations with the long-standing use of squid as bait and to provide opportunity for the potential development of other uses and markets for squids and sculpins.

**CE Category A1: An action that is a technical change to a fishery management regulation**

CE category A1 is appropriate for this action since this regulatory amendment is a technical change to a fishery management regulation and will not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or



harvest levels. If participants process retained catch of squids and sculpins within the allowable MRA in product forms other than fishmeal, fishing will occur in the same locations and with similar timing, effort, authorized gear types and harvest levels as are currently authorized.

**Effects of the Action(s):**

This action would continue management of squids and sculpins as non-target ecosystem component (EC) species in the groundfish fishery management plans for the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA). However, processing restrictions would be removed, allowing the processing and sale of retained squids and sculpins in any product form. Prior to moving squids to the EC in 2017, it was common for squids retained within the MRA to be processed and sold as bait, and this action would again allow for this practice. This action may allow processors to generate additional revenue from the sale of squids as whole bait or whole fish/food fish, and fixed-gear vessels purchasing squid bait would have reduced costs relative to imported bait. Total additional revenue would depend on individual processors' decisions to process squids to saleable products or discard. This action may also reduce some of the amount of squid discarded. Because there has never been a significant market for sculpin products, it is unlikely that removing processing restrictions would affect the level or value of incidental catch of sculpins in the BSAI or GOA.

The potential economic impacts of allowing squids and sculpins to be sold as products other than fishmeal are not significant in comparison to the overall value of the BSAI and GOA groundfish fisheries. Therefore, the impacts of this action are expected to be minimal and only beneficial. None of the expected impacts are considered significant. NMFS intends this rule to be effective by June 2021.

**Extraordinary Circumstances**

This action can be reviewed independently from other actions. Additionally, I considered the context in which this action could have extraordinary circumstances listed in NOAA's Companion Manual for NAO 216-6A Section 4 and expect no extraordinary circumstances.

Based on the description of this action and its anticipated effects set out above, I have determined that removing the processing restrictions on squids and sculpins has no potential for significant adverse effects on human health or safety. Because this action will not be changing fishing locations or effort, it will not impact areas with unique environmental characteristics, species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Act, the Migratory Bird Treaty Act, or properties listed or eligible for listing on the National Register of Historic Places. Furthermore, this action has no potential to generate, use, store, transport, or dispose of hazardous or toxic substances. Nor is there the potential to cause disproportionately high and adverse effects on the health or the environment of minority or low-income communities, compared to the impacts on other communities. This action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species. The action does not pose a potential violation of Federal,

State, or local law or requirements imposed for protection of the environment; involve environmental effects that are highly controversial, uncertain, unique, or unknown; establish a precedent or decision in principle for future actions; or result in cumulative significant impacts.

**CE Determination:**

Based upon the above analysis, NOAA has determined that the action proposed: falls within the category of actions subject to CE identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1, an action that is a technical correction of a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels--a category of actions that does not individually or cumulatively have a significant effect on the quality of the human environment; is not connected to a larger action (40 CFR 1508.25(a))<sup>1</sup>; and does not involve extraordinary circumstances precluding use of the CE. As such, NOAA has determined that it is categorically excluded from further NEPA review.

The original signed memorandum will be maintained in the record for the proposed action.

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James W. Balsiger, Ph.D.  
Administrator, Alaska Region

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<sup>1</sup> This CE was prepared using the 1978 CEQ NEPA Regulations. NEPA reviews initiated prior to the effective date of the 2020 CEQ regulations may be conducted using the 1978 version of the regulations. The effective date of the 2020 CEQ NEPA Regulations was September 14, 2020. This review began on February 2020 and the agency has decided to proceed under the 1978 regulations.